

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

BROOKLYNN CLARK,

Plaintiff,

v.

**SHELLY DOE, FRANKIE DOE, TIGARD
POLICE DEPARTMENT, and MEGAN
LINN,**

Defendants.

Case No. 19-cv-00769-YY

ORDER

IMMERGUT, District Judge.

Plaintiff Brooklynn Clark brings this action *pro se* and has been permitted to proceed *in forma pauperis*. ECF 1; ECF 2. On January 14, 2020, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”), recommending that this case be dismissed with prejudice against Defendant Shelly Doe, a.k.a. Shelly Forster and Defendant Frankie Doe, a.k.a. Frankie Wiseman (collectively “Defendants”) because Plaintiff failed to effect service of process under Fed. R. Civ. P. 12(b)(5) and failed to state a claim under Fed. R. Civ. P. 12(b)(6). ECF 51. Plaintiff timely filed objections, ECF 54, to which Defendants responded, ECF 55.

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, *de novo* or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*,” whether *de novo* or under another standard. *Thomas*, 474 U.S. at 154.

A court must liberally construe the filings of a *pro se* plaintiff and afford the plaintiff the benefit of any reasonable doubt. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). This Court has considered the issues raised in Plaintiff’s objections and has reviewed the factual and legal conclusions provided in Magistrate Judge You’s F&R *de novo*. Finding no error and no reason to modify or alter the F&R, this Court ADOPTS Magistrate Judge You’s Findings & Recommendation, ECF 51. This case is DISMISSED with prejudice against Defendants Forster and Wiseman.

IT IS SO ORDERED.

DATED this 17th day of April, 2020.



Karin J. Immergut
United States District Judge